

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CHRISTINE J. BLOOM, Individually, and	)	
as Guardian/Parent/Next Friend of S.B., a Minor,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 11-cv-5536
	)	
	)	JURY TRIAL DEMANDED
PALOS HEIGHTS POLICE DEPARTMENT,	)	
CHRIS A. HODOROWICZ, JEFF MARRAN,	)	
PALOS HEIGHTS FIRE PROTECTION	)	
DISTRICT, PATRICIA MAMONE, ANTHONY	)	
MAMONE and JOHN/JANE DOES,	)	
	)	
Defendants.	)	

**PLAINTIFFS' UNOPPOSED MOTION TO APPROVE SETTLEMENT PURSUANT TO  
LOCAL RULE 17.1**

NOW COME Plaintiffs, CHRISTINE J. BLOOM ("Bloom"), Individually, and as Guardian/Parent/Next Friend of S.B., a Minor, through their undersigned attorneys, and for their Unopposed Motion To Approve Settlement Pursuant to Local Rule 17.1, state as follows:

1. This lawsuit stems from an incident that occurred on May 6, 2011, when Plaintiffs allege, among other things, that the Defendants violated their constitutional rights by involuntarily removing the minor, S.B., from her home without parental consent and transporting her to Palos Community Hospital for a psychiatric evaluation.

2. The minor, S.B., was born on February 27, 1996, making her 15 years old at the time and making her 16 years old currently. Bloom is S.B.'s mother and only parent.

3. Defendants have denied all liability and have vigorously contested liability throughout this case. Indeed, in response to motions to dismiss filed by all Defendants, this

Court dismissed the lawsuit on January 4, 2012. On January 30, 2012, Plaintiffs filed a timely Notice of Appeal of this Court's January 4, 2012 Order with the United States Court of Appeals for the Seventh Circuit.

4. Pursuant to Rule 33 of the Federal Rules of Appellate Procedure and Circuit Rule 33, the parties engaged in a Rule 33 Settlement Conference on February 27, 2012 and continuing thereafter. As a result of the Rule 33 Settlement Conference, and without admitting any liability, Defendants have offered \$20,000.00 to settle Bloom's claims, brought on her own behalf and on behalf of her minor daughter. The breakdown of the contribution towards the total settlement amount is as follows:

Defendant Palos Heights Police Department/City of Palos Heights	\$ 5,000.00
Defendant Palos Heights Fire Protection District	\$ 7,500.00
Defendants Anthony and Patricia Mamone	\$ 7,500.00
TOTAL	\$20,000.00

5. The breakdown of the total settlement amount between Bloom, Individually, and Bloom, as Guardian/Parent/Next Friend of S.B., a Minor, is \$4,000.00 and \$16,000.00, respectively. Pursuant to Local Rule 17.1, the portion of the settlement of S.B., a Minor, "shall not become final without written approval by the court in the form of an order, judgment or decree. The court may authorize payment of reasonable attorney's fees and expenses from the amount realized in such an action."

6. Bloom, Individually and as Guardian/Parent/Next Friend of S.B., a Minor, and her attorneys believe that a total settlement of \$20,000.00, divided and allocated as described in paragraphs 4 and 5, for the claims against the Defendants, given the issues involved and the current posture of the case on appeal with the Seventh Circuit, is fair and reasonable.

7. The Wix Law Group, LLC, attorneys for Plaintiffs, have conferred with Bloom regarding all aspects of the litigation and settlement and it has been agreed that said settlement offer should be accepted, all parties believing said settlement offer to be fair, reasonable and just.

8. The proposed recovery is the result of the professional services rendered by The Wix Law Group, LLC, attorneys for Bloom, Individually and as Guardian/Parent/Next Friend of S.B., a Minor, who were engaged as a result of a contingency fee contract entered into by Bloom on her own behalf and on behalf of S.B. Pursuant to said contingent fee contract, The Wix Law Group, LLC is entitled to 1/3 of any recovery, plus reimbursement of costs. Costs for the litigation have already been reimbursed by Bloom and are not at issue for purposes of this Motion. Accordingly, Bloom, individually and as Guardian/Parent/Next Friend of S.B., a Minor, believe that her attorneys are entitled to a fee of \$6,666.67 and that this fee is a fair and reasonable attorney fee to be paid to The Wix Law Group, LLC out of the proceeds. That fee would be split between the recovery for Bloom, Individually and as Guardian/Parent/Next Friend of S.B., a Minor, as follows:

Bloom, Individually	\$1,333.34
Bloom, as Guardian/Parent/Next Friend of S.B., a Minor	\$5,333.33

9. The balance distributable to Bloom, Individually, after attorneys' fees, is \$2,666.66. The balance distributable to Bloom, as Guardian/Parent/Next Friend of S.B., a Minor, after attorneys' fees, is \$10,666.67. That amount will be deposited into a college checking account at J.P. Morgan Chase Bank in the name of S.B. for her benefit. The account will be set up such that neither Bloom nor S.B. will be able to withdraw money from the account without the signature of the other, until February 27, 2014, when S.B. reaches the age of majority.

10. Upon entry of an order approving of this motion to approve the settlement, Bloom, Individually and as Guardian/Parent/Next Friend of S.B., a Minor, will promptly file with the United States Court of Appeals for the Seventh Circuit a stipulation dismissing all aspects of the current appeal (the underlying matter having already been dismissed by this Court) and execute the necessary releases with the Defendants to effectuate the settlement.

WHEREFORE, Plaintiffs, CHRISTINE BLOOM, Individually and as Guardian/Parent/Next Friend of S.B., a Minor, requests entry of an Order: (1) approving of the settlement in accordance with the foregoing motion and directing Christine Bloom to execute the necessary releases to effectuate the settlement; and (2) order distribution in accordance with this motion as follows: (a) \$6,666.67 payable to The Wix Law Group, LLC as attorneys' fees; (b) \$2,666.66 payable to Christine Bloom, Individually; and (c) \$10,666.67 payable to Christine Bloom, as Guardian/Parent/Next Friend of S.B., a Minor, to be deposited in a college checking account at J.P. Morgan Chase Bank in S.B.'s name in accordance with this motion until S.B. reaches the age of majority on February 27, 2014. A proposed Order to this effect is attached hereto to this Motion.

Dated: April 6, 2012

/s/ David G. Wix  
THE WIX LAW GROUP, LLC

David G. Wix  
THE WIX LAW GROUP, LLC.  
500 Lake Cook Road  
Suite 350  
Deerfield, IL 60015  
(847) 267-9949  
(866) 267-2949 (fax)  
Email: dwix@wixlaw.com

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I, an attorney for Plaintiffs, hereby certify that on April 6, 2012, I caused to be electronically filed the foregoing Plaintiffs' Unopposed Motion To Approve Settlement Pursuant To Local Rule 17.1 by using the CM/ECF system, which will send a notice of electronic filing to the following:

Jana L. Brady  
Scott George Salemi  
Heyl, Royster, Voelker & Allen  
120 West State Street, 2<sup>nd</sup> Floor  
P.O. Box 1288  
Rockford, IL 61105  
Phone: 815.963.4454  
Fax: 815.963.0399  
[jbrady@heyloyster.com](mailto:jbrady@heyloyster.com)  
[ssalemi@heyloyster.com](mailto:ssalemi@heyloyster.com)  
[rckecf@heyloyster.com](mailto:rckecf@heyloyster.com)

Maura Yusof  
Heyl, Royster, Voelker & Allen  
60 West Randolph  
Suite 200  
Chicago, IL 60601  
Phone: 312-762-9287  
***Attorneys for Patricia and Anthony Mamone***

Michael R. Hartigan  
Patrick H. O'Connor  
Hartigan & O'Connor, P.C.  
20 North Clark Street, Suite 1250  
Chicago, IL 60602  
Phone: 312-201-8880  
Fax: 312-291-8905  
[patoconnor@hartiganlaw.com](mailto:patoconnor@hartiganlaw.com)  
[mhartigan@hartiganlaw.com](mailto:mhartigan@hartiganlaw.com)  
***Attorneys for Palos Heights Police Department, Chris A. Hodorowicz and Jeff Marran.***

Steven M. Puiszis  
Peter A. Walsh  
Hinshaw & Culbertson LLP  
222 North LaSalle Street, Suite 300  
Chicago, IL 60601-1081  
Phone: 312-704-3000  
[spuiszis@hinshawlaw.com](mailto:spuiszis@hinshawlaw.com)  
[pwalsh@hinshawlaw.com](mailto:pwalsh@hinshawlaw.com)

*Attorneys for the Palos Heights Fire Protection District*

/s/ David G. Wix  
The Wix Law Group, LLC